

Remarks

Upon entry of the foregoing amendment, claims 1 to 3, and 14 to 16, are pending. Claims 4 to 9 were previously cancelled. Claims 10 to 13 and 17 are cancelled herein. Claims 14 to 16 are currently amended as suggested by the Examiner.

Claim Rejections Under 35 USC § 101

Claims 10 to 13 were rejected by the Examiner as allegedly failing to provide a proper definition of a process. The Examiner indicated that “[b]y deleting the claims the rejection would be overcome”. These claims are cancelled herein, thus rendering the rejection moot. Applicant respectfully requests withdrawal of the rejection.

Claim Rejections Under 35 USC § 112, 1st ¶

Claims 14 to 16 were rejected by the Examiner as allegedly failing to comply with the written description requirement. The Examiner noted that by deleting the term “or genetically related infection” in claims 14 and 15, and deleting steps (E), (F) and the optional step in claim 16, the rejection would be overcome.

Without acceding to the Examiner’s reasons for the rejection under 35 USC § 112, 1st ¶, and purely in the interests of advancing this case to allowance, claims 14, 15 and 16 are amended herein as proposed. Accordingly, Applicant respectfully asserts the rejection is now moot and request withdrawal of the rejection under 35 USC § 112, 1st ¶.

Claim Rejections Under 35 USC § 112, 2nd ¶

Claims 14 to 16 were rejected by the Examiner as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Without acceding to the Examiner’s assertions, and purely in the interests of advancing this case to allowance, claims 14 to 16 are amended herein as proposed. Accordingly, Applicant respectfully asserts the rejection is rendered moot and requests withdrawal of the rejection under 35 USC § 112, 2nd ¶.

Double Patenting Rejection

Claims 1 to 3 were rejected under the doctrine of obviousness-type double patenting as being unpatentable over USSN 10/118512 (now US Patent No. 7,109,228).

Applicant notes that the ‘512 application and the instant application are commonly owned by Pfizer Inc. Applicant herein submits a terminal disclaimer to overcome the provisional rejection.

Conclusion

Applicant believes that the above amendments are directly responsive to the Final Office Action and now place the application in condition for allowance. In the event that any further extension of time is required, for which Applicant hereby petitions, authorization is hereby provided to charge the extension of time fees and any other fees required under 37 CFR § 1.17, or to credit any overpayment, to Deposit Account No. 500329.

Respectfully submitted,

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